

Application No. 10/826,578
Amendment dated
Reply to Office Action of September 21, 2005

Docket No.: 65856-0060

REMARKS

Applicants have carefully reviewed the Office Action mailed September 21, 2005. In response to the Office Action, Applicants have amended claim 7. By way of this amendment, no new matter has been added. Accordingly, claims 1-14 remain pending in this application. Applicants respectfully request reconsideration of the present application in view of the above amendment and the following remarks.

Drawings

The drawings were objected to under 37 C.F.R. 1.83(a) for failing to show every feature specified in the claims. Specifically, the Examiner identifies the 'radially floating cones' of claims 1 and 13 as not illustrated. (Non-Final Office Action dated September 21, 2005, page 2).

In contrast, a close reading of an embodiment presented reveals that the shafts are supported by "thrust bearings 28, 30." (Applicants' specification paragraph [0013]). Generally, radial bearings *radially* retain a mating shaft to rotate about a fixed axis, and thrust bearings *axially* retain a shaft or other rotating member. Although not required in the claims at issue, some thrust bearings will not support a radial load. Additionally, an embodiment described includes "disks 20, 22, 21, 23 will facilitate centering, hence "floating", of the cones 12, 14, as the cones tend to seek operating positions of lowest stress under normal loads." (Applicants' specification paragraph [0017]). Accordingly, Applicants submit that one of skill in the art would recognize that the cones 12, 14 may be "radially floating cones" as described in Applicants' specification. Moreover, applicants note that MPEP 608.02 does not require any specific graphical representation for a thrust bearing.

Additionally, the Examiner identifies "trunnions are supported in ball bearings" and "said bearings are supported for movement in spherical surfaces of bearing races fixed to said housing" of claim 7 as not illustrated. (Non-Final Office Action dated September 21, 2005, page 2). Accordingly, Claim 7 has been revised to more clearly identify some of the items illustrated in the drawings.

Applicants respectfully submit that the drawings are in compliance with 37 C.F.R. 1.83, and clearly depict the invention as would be understood by one of skill in the art. No drawing revisions are submitted at this time.

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Claim Rejections – 35 U.S.C. § 112

Claims 1-9, 11, and 13 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner states:

The limitation “radially floating cones” is not fully understood because the figures illustrate each cone being attached to a shaft, wherein each shaft is radially supported by a bearing. Accordingly, it is understood the cones are configured to rotate about a predetermined axis defined by a respect bearing.

Non-Final Office Action dated September 21, 2005, page 4.

As detailed above, the limitation “radially floating cones” is clearly described in Applicants’ specification. Therefore, one of skill in the art would understand the meaning of the term “radially floating cones.”

Claim Rejections – 35 U.S.C. § 103

Claims 1-9, 11, and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kohn* (U.S. Patent 1,459,979).

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). M.P.E.P. § 2143.03. Accord. M.P.E.P. § 706.02(j).

When rejecting a claim based upon a sole 35 U.S.C. 103(a) reference, the Federal Circuit has provided some guidance. Specifically, *In re Gordon* provides that “[t]he mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.” 221 USPQ 1125, 1127 (CAFC 1984). In addition, the Federal Circuit has held that “[i]t is not pertinent whether the prior art device possesses the functional characteristics of the claimed invention if the reference does not describe or suggest its structure.” *In re Mills*, 16 USPQ2d 1430, 1433 (1990). “The prior art must provide one of ordinary skill in the art the motivation to make the proposed ...modifications.” *In re Lahu*, 747 F.2d 703, 705, 223 USPQ 1257, 1258 (Fed. Cir. 1984).

As detailed above, the independent claims 1 and 13 recite the limitation “radially floating cones,” which are described above. In contrast, *Kohn* teaches a pair of conical pulleys

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35, 36 that are retained within a box casing 33 and contact a pair of rollers 53. (Kohn, FIG. 3, page 1, lines 84-93, and page 2, lines 6-9). The rollers 53 of Kohn will force the conical pulleys 35, 36 to rotate within the connection to the box casing 33 at a defined axial position. Therefore, the conical pulleys 35, 36 of Kohn are not radially floating cones, as positively recited I independent claims 1 and 13. Accordingly, Kohn does not teach all elements of independent claims 1 and 13, as required in *In re Royka*.

Dependent claims 2-9 and 11 teach independently patentable subject matter, although they are also patentable merely by being dependent on an allowable base claim. As an example, claim 9 recites "wherein said trunnions are thereby moved uniformly together both pivotally and translationally." These teachings are not taught in the prior art of record.

Conclusion

In view of the above amendment and remarks, the pending application is in condition for allowance. If, however, there are any outstanding issues that can be resolved by telephone conference, the Examiner is earnestly encouraged to telephone the undersigned representative.

It is believed no fees are due with this response. However, if any fees are required in connection with the filing of this paper that are not identified in any accompanying transmittal, permission is given to charge our Deposit Account No. 18-0013, under Order No. 65856-0060 from which the undersigned is authorized to draw.

Dated: December 21, 2005

Respectfully submitted,

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